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12
13 UNITED STATES DISTRICT COURT
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15 NORTHERN DISTRICT OF CALIFORNIA
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17 SAN FRANCISCO DIVISION
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|----|---------------------------|---|-----------------------------------|
| 13 | UNITED STATES OF AMERICA, |) | Case No. CR 12-0278 EMC |
| 14 | |) | |
| 15 | Plaintiff, |) | |
| 16 | vs. |) | <u>STIPULATION AND [PROPOSED]</u> |
| 17 | JAMES MURRAY, |) | <u>ORDER CONVERTING DATE OF</u> |
| 18 | |) | <u>HEARING ON DEFENDANT'S</u> |
| 19 | Defendant. |) | <u>MOTION TO REVOKE DETENTION</u> |
| | |) | <u>ORDER TO STATUS CONFERENCE</u> |

20 Plaintiff UNITED STATES OF AMERICA and Defendant JAMES MURRAY
21 ("Defendant"), HEREBY STIPULATE, through their undersigned counsel, as follows:

- 22 1. WHEREAS on February 8, 2013, Magistrate Judge Maria-Elena James
23 specially appointed Marc H. Axelbaum for the limited purpose of advising Defendant
24 regarding certain conflicts of interest the government had stated in a letter to the Court that
25 Defendant allegedly had with his retained counsel, Garrett J. Zelen (Dkt. 96);
26 2. WHEREAS on February 27, 2013, the government moved to disqualify Mr.
27 Zelen as counsel for Defendant (Dkt. 99);
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1 3. WHEREAS on March 6, 2013, the Court held a hearing on the
2 Government's motion to disqualify Mr. Zelen;

3 4. WHEREAS on March 11, 2013, the Court issued a written order
4 disqualifying Mr. Zelen (Dkt. 103, p.9);

5 5. WHEREAS on March 19, 2013, Magistrate Judge Cousins specially
6 appointed Marc H. Axelbaum for the limited purpose of advising Defendant in completing
7 a Financial Declaration in Support of Request for Attorney Under the Criminal Justice Act
8 ("CJA-23 Form");

9 6. WHEREAS on April 29, 2013, Judge Cousins found Defendant eligible for
10 appointed counsel and appointed Mr. Axelbaum as Defendant's attorney (Dkt. 107);

11 7. WHEREAS, Mr. Axelbaum has until recently only been appointed for
12 limited purposes in this case and has accordingly not previously attempted to get fully up to
13 speed on the merits of the matter, including regarding the Defendant's Motion to Revoke
14 Magistrate Judge's Order Revoking Defendant's Release on Bond and for *de novo* Review
15 of the Order (Dkt. 89, "Motion to Revoke"), which was previously set for hearing on May
16 8, 2013;

17 8. WHEREAS Defendant and the government have agreed to convert the May
18 8, 2013 hearing on the Motion to Revoke to a status conference and continue the hearing on
19 the Motion to Revoke to a date to be set at the May 8 conference;

20 THEREFORE, Plaintiff and Defendant respectfully request that the Court convert
21 the May 8, 2013 hearing on Defendant's Motion to Revoke to a status conference and
22 continue the hearing on Defendant's Motion to Revoke to a date to be determined at the
23 status conference.

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1 Dated: May 3, 2013

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By /s/ Marc H. Axelbaum
Attorneys for Defendant JAMES MURRAY

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Dated: May 3, 2013

MELINDA HAAG
United States Attorney
450 Golden Gate Avenue
San Francisco, CA 94102

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By /s/ Robin L. Harris
Robin L. Harris
Assistant United States Attorney

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1 ~~[PROPOSED]~~ ORDER

2 Based on good cause shown in the foregoing Stipulation, the Court hereby converts
3 the hearing on the Motion to Revoke Detention Order ("Motion") set for May 8, 2013, at
4 2:30 p.m. to a status conference; and (2) continues the hearing on the Motion to a date to be
5 determined at the May 8 status conference.

6 IT IS SO ORDERED.

7 Dated: May 6, 2013

